

CLOSED

**U.S. District Court**  
**Northern District of New York – Main Office (Syracuse) [LIVE – Version 5.0.3]**  
**(Syracuse)**  
**CIVIL DOCKET FOR CASE #: 5:08-cv-00191-NPM-DEP**

Tracy v. United States Department of Labor  
Assigned to: Senior Judge Neal P. McCurn  
Referred to: Magistrate Judge David E. Peebles  
Cause: 05:552 Freedom of Information Act

Date Filed: 02/21/2008  
Date Terminated: 04/28/2008  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****Patrick Tracy**

represented by **J. Nelson Thomas**  
Thomas, Solomon Law Firm  
693 East Avenue  
Rochester, NY 14607  
585-272-0540  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant****United States Department of Labor**

represented by **Charles E. Roberts**  
Office of the United States Attorney –  
Syracuse  
100 South Clinton Street  
Syracuse, NY 13261-7198  
315-448-0672  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
02/21/2008	<u>1</u>	COMPLAINT against United States Department of Labor (Filing fee \$350 receipt number 0954149) filed by Patrick Tracy. (Attachments: # <u>1</u> Civil Cover Sheet)(sfp, ) (Entered: 02/21/2008)
02/21/2008	<u>2</u>	G.O. 25 FILING ORDER ISSUED: Civil Case Management Plan due by 6/23/2008. Rule 16 Initial Conference set for 7/3/2008 09:30 AM in Syracuse before Magistrate Judge David E. Peebles. (sfp, ) (Entered: 02/21/2008)
02/22/2008	<u>3</u>	Summons Issued as to United States Department of Labor. (Attachments: # <u>1</u> Summons)(sfp, ) (Entered: 02/22/2008)
02/22/2008	<u>4</u>	Summons Issued as to United States Department of Labor. (sfp, ) (Entered: 02/22/2008)
03/25/2008	<u>5</u>	MOTION to Dismiss Response to Motion due by 4/28/2008 Reply to Response to Motion due by 5/2/2008. Motion Hearing set for 5/13/2008 10:00 AM in Syracuse before Senior Judge Neal P. McCurn by United States Department of Labor. (Attachments: # <u>1</u> Declaration Declaration of Charles E. Roberts, # <u>2</u> Memorandum of Law Memorandum of Law with Exhibits) (Roberts, Charles) (Entered: 03/25/2008)

04/09/2008	<u>6</u>	NOTICE of Voluntary Dismissal by Patrick Tracy (Thomas, J.) (Entered: 04/09/2008)
04/09/2008	<u>7</u>	CERTIFICATE OF SERVICE by Patrick Tracy re <u>6</u> Notice of Voluntary Dismissal (Thomas, J.) (Entered: 04/09/2008)
04/09/2008		CRD for Judge Peebles called defendant's counsel re: the Notice of Voluntary Dismissal filed in this case. Plaintiff's counsel failed to contact defendant's counsel prior to its filing to see if they consented to the dismissal of this action, without prejudice. CRD gave defendant's counsel until 4/18/08 to respond this document. If the parties consent to the dismissal of this matter, then the appropriate stipulation of dismissal must be filed w/ the court by 4/18/08. If the parties do not consent, then defendant's counsel is directed to indicate that in writing by 4/18/08 and the motion to dismiss will go forward as scheduled. (sal, ) (Entered: 04/09/2008)
04/09/2008		CRD for Judge Peebles spoke to Michael Lingle, Esq. from the Dolin, Thomas Law Firm, who has not appeared as counsel in this action, apparently opposes giving defendant's counsel an opportunity to respond to the Notice of Voluntary Dismissal. Pursuant to this conversation, plaintiff's counsel may file any further objection in writing to the court. (sal, ) (Entered: 04/09/2008)
04/18/2008	<u>8</u>	MOTION to Dismiss ( <i>to Enforce Notice of Voluntary Dismissal</i> ) Response to Motion due by 6/9/2008 Reply to Response to Motion due by 6/16/2008. Motion Hearing set for 6/25/2008 09:30 AM in Syracuse before Magistrate Judge David E. Peebles by Patrick Tracy. (Attachments: # <u>1</u> Memorandum of Law, # <u>2</u> Affirmation of J. Nelson Thomas) (Thomas, J.) (Entered: 04/18/2008)
04/18/2008	<u>2</u>	CERTIFICATE OF SERVICE by Patrick Tracy re <u>8</u> MOTION to Dismiss ( <i>to Enforce Notice of Voluntary Dismissal</i> ) MOTION to Dismiss ( <i>to Enforce Notice of Voluntary Dismissal</i> ) (Thomas, J.) (Entered: 04/18/2008)
04/22/2008		TEXT NOTICE RE: Motion <u>8</u> to Dismiss ( <i>to Enforce Notice of Voluntary Dismissal</i> ) : This motion has been taken on submit by Judge Peebles and no appearances are necessary. Defendant's counsel has until 5/6/08 to respond to this motion. Judge Peebles will then issue a written decision regarding this matter. The parties should note that hearing set for 5/13/08 at 10:00 AM beore Senior District Judge McCurn has been adjourned until the matter that is before Judge Peebles has been resolved. (sal, ) (Entered: 04/22/2008)
04/23/2008	<u>10</u>	RESPONSE to Motion re <u>8</u> MOTION to Dismiss ( <i>to Enforce Notice of Voluntary Dismissal</i> ) MOTION to Dismiss ( <i>to Enforce Notice of Voluntary Dismissal</i> ) filed by United States Department of Labor. (Roberts, Charles) (Entered: 04/23/2008)
04/28/2008	<u>11</u>	ORDER granting <u>8</u> Motion to Enforce Voluntary Dismissal and directing the clerk to close this matter. Signed by Magistrate Judge David E. Peebles on 4/28/2008. (amt) (Entered: 04/28/2008)